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Sequence Number: 08-08-26
Notice ID(s): 4355
File Date: 8/11/2026

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	The Department of Commerce and Insurance
Division:	Division of Fire Prevention
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Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	Don Coleman
Address:	500 James Robertson Parkway, Nashville, TN
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Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	500 James Robertson Parkway			
Address 2:	Conference Room 3.251			
City:	Nashville, TN			
Zip:	37243			
Hearing Date:	10/07/2026			
Hearing Time:	10:00AM	☒ CST/CDT	☐ EST/EDT	

Additional Hearing Information:

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Revision Type (check all that apply):

☒ Amendment
☒ New
☐ Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
0780-02-03	Review of Construction Plans and Specifications
Rule Number	Rule Title
0780-02-03-.01	Definitions
0780-02-03-.02	Submission of Plans
0780-02-03-.07	Issuance of Permits and Inspection Fees
0780-02-03-.13	Forced Entry Resistance for Schools

Department of Commerce and Insurance
Division of Fire Prevention

Chapter 0780-02-03
Review of Construction Plans and Specifications
Amendments

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0780-02-03-.06	Inspection of Construction	0780-02-03-.13	Forced Entry Resistance for Schools
0780-02-03-.07	Issuance of Permits and Inspection Fees		

Rule 0780-02-03-.01 Definitions, paragraph (1), subparagraph (e) is amended by deleting it in its entirety and substituting it with the following so that, as amended, subparagraph (e) shall read:

- (e) "Educational occupancy" means the use of a structure or a portion of a structure for educational purposes by six (6) or more persons for more than twelve (12) hours per week, but no more than eight (8) hours in a single day. Educational purposes shall mean a program that receives credit for grades kindergarten through twelfth (12th) grade and shall also include early education and pre-K programs regulated by the Department of Education (DOE) but shall not include dual enrollment programs located in a higher education classroom. Learning pods governed by T.C.A. §§ 49-6-301 et seq. are not educational occupancies for the purposes of this definition.

Authority: T.C.A. §§ 68-102-113 and 68-120-101.

Rule 0780-02-03-.02 Submission of Plans, paragraph (1) is amended by deleting it in its entirety and substituting it with the following so that, as amended, paragraph (1) shall read:

- (1) No person shall commence construction of any Educational occupancy, daycare center, or adult day service center that is licensed by the Department of Human Services (DHS) or the Department of Education (DOE) until plans and specifications have been submitted to and approved in writing by the Division. The following exceptions to such plans review will apply:
 - (a) An existing building converting to a DHS licensed daycare, DHS licensed adult day service center, or DOE Educational occupancy and enrolling forty-nine (49) or fewer children, students, or adults may submit plans and specifications for limited plans review in lieu of the consultation.
 - (b) An existing building converting to a DHS licensed daycare, DHS licensed adult day service center, or DOE Educational occupancy and enrolling forty-nine (49) or fewer children, students, or adults, or an existing DHS licensed daycare, DHS licensed adult day service center, or DOE Educational occupancy increasing enrollment to forty-nine (49) or fewer children, students, or adults may have review for code compliance determined through a consultation by the Division with the following requirements:
 - 1. After paying the applicable fee, the Division shall conduct a consultation, prior to beginning construction, to inform the owners of requirements for fire hydrant(s), fire department access, fire safety systems, fire separation, means of egress, or other significant upgrades needed.
 - 2. The fee shall include up to three (3) inspections during construction to identify non-compliant work, and one (1) final inspection prior to occupancy.
 - 3. Additional inspections may be required to determine compliance depending on the complexity of the structure. Additional inspections required shall be purchased by the daycare operator or operator's representative.

4. In complex cases, the Division may require registrant plans and the applicable plans review fee to be submitted for review and approval.
- (c) An existing building converting to a DHS licensed daycare, DHS licensed adult day service center, or DOE Educational occupancy and enrolling between fifty (50) to ninety-nine (99) children, students, or adults shall submit plans and specifications for a limited plans review. An applicable review fee as authorized by this Chapter will apply.

Authority: T.C.A. §§ 68-102-113 and 68-120-101.

Rule 0780-02-03-.02 Submission of Plans, paragraphs (10), (11), and (12) are amended by deleting them in their entirety and substituting them with the following so that, as amended, paragraphs (10), (11), and (12) shall read:

- (10) No person shall commence construction of any state-owned building until plans and specifications have been submitted to and approved in writing by the Division. This requirement shall apply to privately owned buildings located on state property. It shall not apply to state buildings located on non-state property and that are leased and located in a jurisdiction of local government that has obtained an exemption authorized by T.C.A. § 68-120-101(b)(2).
- (11) For buildings that meet the plans submission requirements of 0780-02-03-.02(1) through (10), any factory manufactured structure which has been designed and constructed in accordance with the Tennessee Modular Building Act (T.C.A. §§ 68-126-301 et seq.) shall be exempt from plan submission of the building or structure; however, submission of modular unit specifications and a site plan showing building location, fire department access, fire hydrant locations and testing, site work for fire alarm and fire protection systems, and adjacent buildings or structures shall be required to be submitted. Additional plans may be required as deemed necessary by the Division.
 - (a) Except for state buildings (owned and leased), educational occupancies, and day care centers licensed by the Department of Human Services or the Department of Education, this requirement shall not apply to buildings or portions that are located in a jurisdiction of local government that has obtained an exemption authorized by T.C.A. § 68-120-101(b)(2).
 - (b) An Educational Group E modular building comprised of a single unit that is installed or relocated outside of a jurisdiction of local government that has obtained an exemption authorized by T.C.A. § 68-120-101(b)(2) shall be exempt from plan submission requirements but must be inspected.
 - (c) All Educational Group E modular buildings that are located outside jurisdictions that have obtained an exemption authorized by T.C.A. § 68-120-101(b)(2) must notify the Division of a re-located modular unit and an inspection shall be performed by the Division.
- (12) Any single-story, open-air pavilion or shed shall not require plans to be submitted and approved by the Division. Open-air shall mean that eighty (80) percent of the building's perimeter and interior are open to the outside from the floor to the roof or ceiling. This shall not apply to structures utilized as an educational occupancy.

Authority: T.C.A. §§ 68-102-113 and 68-120-101.

Rule 0780-02-03-.07 Issuance of Permits and Inspection Fees, paragraph (2) is amended by deleting it in its entirety and substituting it with the following so that, as amended, paragraph (2) shall read:

- (2) The fee for DHS licensed daycares, DHS licensed adult day service centers, or DOE Educational Occupancies allowed to have compliance determined by inspection in accordance with Tenn. Comp. R. & Regs. 0780-02-03-.02 shall be the following:

- (a) Initial consultation and four (4) inspections: \$1,000.00.
- (b) Additional inspections: \$160.00 each.

Such fees shall be paid in full prior to the consultation and shall not be refundable once a consultation or inspection has been performed.

Authority: T.C.A. §§ 68-102-113 and 68-120-101.

Chapter 0780-02-03
Review of Construction Plans and Specifications
New Rule

Rule 0780-02-03-.13 Forced Entry Resistance for Schools is a new rule and shall read as follows. All subsequent rules, and references thereto, are renumbered accordingly.

0780-02-03-.13 Forced Entry Resistance for Schools.

- (1) The following requirements apply to public school buildings, including public charter school buildings.
- (2) Fenestration for entrances of new buildings or where entire fenestration systems are being replaced for remodeled buildings shall comply with the following:
- (a) Each exterior entry door, and all adjoining fenestration located within 50 feet horizontally of that entry, shall be a rated assembly tested in accordance with ASTM F3561, minimum Level 2 forced entry resistance, or other nationally recognized test standards.
- (b) All required rated fenestrations shall provide compliant protection up to a minimum height of 8 feet and 8 inches above the adjacent grade or floor level.
- (3) Fenestrations for secure interior vestibules serving as primary entrances of new buildings or where entire fenestration systems are being replaced for remodeled buildings shall be rated assemblies in accordance with ASTM F3561, minimum Level 2 forced entry resistance, or other nationally recognized test standards. Such fenestrations shall be protected within a minimum of 8 feet and 8 inches height above the floor or adjacent grade.
- (4) Where there is a hardship in meeting the requirements of paragraphs 2 or 3, designers or the Local Education Agency or school administration may propose alternatives that meet other national standards, such as UL 752 or ASTM F3038. The alternative may be utilized if approved by the Division in writing.
- (5) Installers of fenestration systems or window film installed in accordance with this section shall meet the qualifications of the manufacturer, including manufacturer certification if required.

Authority: T.C.A. §§ 68-102-113, 68-120-101, and 49-6-818.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: 8/11/2026

Signature: Beth Schulenberg

Name of Officer: Beth Schulenberg

Title of Officer: Associate Counsel

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Filed with the Department of State on: 8/11/2026

Tre Hargett

Tre Hargett
Secretary of State

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**DEPARTMENT OF COMMERCE AND INSURANCE
DIVISION OF FIRE PREVENTION**

**CHAPTER 0780-02-03
REVIEW OF CONSTRUCTION PLANS AND SPECIFICATIONS**

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0780-02-03-.01 DEFINITIONS.

- (1) As used in this Chapter, unless the context otherwise requires:
- (a) "As-built plans" means the submission of construction plans and details for existing buildings sufficient to provide life safety and building code compliance with the adopted codes.
 - (b) "Construction" means the erection of a new building; an addition to an existing building; alteration or repair of primary structural members; a change of occupancy or occupancy group; an alteration of the required elements of the corridors and exits of a building's means of egress; an alteration of a fire resistance rated component or assembly; a change in the construction type of a building; or the installation or alteration of a fire sprinkler system, fire suppression system, fire alarm system, smoke control system, or fuel-fired equipment. The term "construction" shall not be construed to include excavation or site preparation.
 - (c) "Consultation" means an onsite fire and building codes evaluation by the Division to determine work needed to bring a building into compliance with its proposed use. A consultation is a general evaluation for major code items and is not a guarantee that all code required updates will be discovered.
 - (d) "Division" means the Division of Fire Prevention of the Department of Commerce and Insurance.
 - (e) "Educational occupancy" means the use of a structure or a portion of a structure for educational purposes by six (6) or more persons for more than twelve (12) hours per week, but no more than eight (8) hours in a single day. Educational purposes shall mean a program that receives credit for grades kindergarten through twelfth (12th) grade and shall also include early education and pre-K programs regulated by the Department of Education (DOE) but shall not include dual enrollment programs located in a higher education classroom. [Learning pods governed by T.C.A. §§ 49-6-301 et seq. are not educational occupancies for the purposes of this definition.](#)
 - (f) "Inspection of construction" means an onsite assessment by the Division to determine whether building construction is in compliance with approved plans and codes.
 - (g) "Limited plans review" means the submission of construction documents including the following items:

1. A site plan or dimensioned aerial view showing fire department access;
 2. Floor plans including life safety plan(s);
 3. Door schedule;
 4. Window schedule for emergency escape and rescue windows;
 5. Locations and BTUs of fuel-fired equipment;
 6. For existing sprinkler systems, the type of system;
 7. For new fire sprinkler systems, fire sprinkler shop drawings and calculations;
 8. Fire alarm system device locations;
 9. Emergency light locations;
 10. Exit sign locations;
 11. Location, rating, and detail for fire-rated assemblies; and
 12. Accessible routes and accessible means of egress pursuant to T.C.A. § 68-120-204.
- (h) "Local government" means any city, county, town, municipal corporation, metropolitan government, or political subdivision.
- (i) "State building" means a building or tenant space owned, leased, or leased with an option to purchase by the State of Tennessee or any department, institution, or agency. State buildings also include privately owned buildings on state property.

Authority: T.C.A. §§ 68-102-113 and 68-120-101.

0780-02-03-.02 SUBMISSION OF PLANS.

- (1) No person shall commence construction of any Educational occupancy, ~~or~~ daycare center, or adult day service center that is licensed by the Department of Human Services (DHS) or the Department of Education (DOE) until plans and specifications have been submitted to and approved in writing by the Division. The following exceptions to such plans review will apply:
- (a) An existing building converting to a DHS licensed daycare, DHS licensed adult day service center, or DOE Educational occupancy and enrolling forty-nine (49) or fewer children, ~~or~~ students, or adults may submit plans and specifications for limited plans review in lieu of the consultation.
 - (b) An existing building converting to a DHS licensed daycare, DHS licensed adult day service center, or DOE Educational occupancy and enrolling forty-nine (49) or fewer children, ~~or~~ students, or adults, or an existing DHS licensed daycare, DHS licensed adult day service center, or DOE Educational occupancy increasing enrollment to forty-nine (49) or fewer children, students, or adults may have review

for code compliance determined through a consultation by the Division with the following requirements:

1. After paying the applicable fee, the Division shall conduct a consultation, prior to beginning construction, to inform the owners of requirements for fire hydrant(s), fire department access, fire safety systems, fire separation, means of egress, or other significant upgrades needed.
 2. The fee shall include up to three (3) inspections during construction to identify non-compliant work, and one (1) final inspection prior to occupancy.
 3. Additional inspections may be required to determine compliance depending on the complexity of the structure. Additional inspections required shall be purchased by the daycare operator or operator's representative.
 4. In complex cases, the Division may require registrant plans and the applicable plans review fee to be submitted for review and approval.
- (c) An existing building converting to a DHS licensed daycare, [DHS licensed adult day service center](#), or DOE Educational occupancy and enrolling between fifty (50) to ninety-nine (99) children, ~~or~~ students, [or adults](#) shall submit plans and specifications for a limited plans review. An applicable review fee as authorized by this Chapter will apply.
- (2) No person shall commence construction of an Assembly Group A structure or portion of a structure, as defined in the building code adopted in Chapter 0780-02-02, with a calculated occupant load of three hundred (300) or more persons until plans and specifications have been submitted to and approved in writing by the Division.
- (a) For the purposes of application of the building code adopted in Chapter 0780-02-02, rooms, buildings or structures used as banquet halls where the primary purpose is not serving both food and alcoholic drinks may be classified as Assembly Group A-3.
- (b) This requirement shall not apply to buildings or structures located in a jurisdiction of local government that has obtained an exemption authorized by T.C.A. § 68-120-101(b)(2).
- (3) No person shall commence construction of any Business Group B structure or portion of a structure, as defined in the building code adopted in Chapter 0780-02-02, that is three (3) stories or more, until plans and specifications have been submitted to and approved in writing by the Division. This requirement shall not apply to buildings or structures located in a jurisdiction of local government that has obtained an exemption authorized by T.C.A. § 68-120-101(b)(2).
- (4) No person shall commence construction of any Residential Group R structure or portion of a structure, as defined in the building code adopted in Chapter 0780-02-02 until plans and specifications have been submitted to and approved in writing by the Division.
- (a) This requirement shall not apply to buildings or structures regulated by Chapter 0780-02-23.

- (b) This requirement shall not apply to buildings or structures located in a jurisdiction of local government that has obtained an exemption authorized by T.C.A. § 68-120-101(b)(2).
- (5) No person shall commence construction of any covered mall building, as defined in the building code adopted in Chapter 0780-02-02, until plans and specifications have been submitted to and approved in writing by the Division. This requirement shall not apply to buildings or structures located in a jurisdiction of local government that has obtained an exemption authorized by T.C.A. § 68-120-101(b)(2).
- (6) No person shall commence construction of any High-hazard Group H-1 or H-2 structure or portion of a structure, as defined in the building code adopted in Chapter 0780-02-02, until plans and specifications have been submitted to and approved in writing by the Division. Structures used only for storage of materials shall not require plans and specifications and approval by the Division. This requirement shall not apply to buildings or structures located in a jurisdiction of local government that has obtained an exemption authorized by T.C.A. § 68-120-101(b)(2).
- (7) No person shall commence construction of any Institutional Group I structure or portion of a structure, as defined in the building code adopted in Chapter 0780-02-02, with accommodations for overnight sleeping until plans and specifications have been submitted to and approved in writing by the Division.
 - (a) This requirement shall not apply to structures that are regulated by other state agencies for building and fire safety.
 - (b) This requirement shall not apply to buildings or structures located in a jurisdiction of local government that has obtained an exemption authorized by T.C.A. § 68-120-101(b)(2).
- (8) No person shall commence construction of any occupancy that requires an inspection by the Division for initial licensure requirements of other state departments or agencies until plans and specifications have been submitted to and approved in writing by the Division.
- (9) No person shall commence construction of any Institutional Group I-3 structure or portion of a structure, as defined in the building code adopted in Chapter 0780-02-02, or change occupancy condition until plans and specifications have been submitted to and approved in writing by the Division. This requirement shall not apply to buildings or structures located in a jurisdiction of local government that has obtained an exemption authorized by T.C.A. § 68-120-101(b)(2).
- (10) No person shall commence construction of any state-owned building until plans and specifications have been submitted to and approved in writing by the Division. This requirement shall [apply to privately owned buildings located on state property. It shall](#) not apply to state buildings [located on non-state property and](#) that are leased and located in a jurisdiction of local government that has obtained an exemption authorized by T.C.A. § 68-120-101(b)(2).
- (11) For buildings that meet the plans submission requirements of 0780-02-03-.02(1) through (10), any factory manufactured structure which has been designed and constructed in accordance with the Tennessee Modular Building Act (T.C.A. §§ 68-126-301 et seq.) shall be exempt from plan submission of the building or structure; however, submission of modular unit specifications and a site plan showing building location, fire department access, fire hydrant locations and testing, site work for fire alarm and fire protection

systems, and adjacent buildings or structures shall be required to be submitted. Additional plans may be required as deemed necessary by the Division.

- (a) Except for state buildings (owned and leased), educational occupancies, and day care centers licensed by the Department of Human Services or the Department of Education, this requirement shall not apply to buildings or portions that are located in a jurisdiction of local government that has obtained an exemption authorized by T.C.A. § 68-120-101(b)(2).
 - (b) ~~An single~~ Educational Group E modular ~~classroom building comprised of a single unit~~ that is installed or relocated ~~located~~ outside of a jurisdiction of local government that has obtained an exemption authorized by T.C.A. § 68-120-101(b)(2) shall be exempt from plan submission requirements but must be inspected.
 - (c) All ~~schools~~ Educational Group E modular buildings that are located outside jurisdictions that have obtained an exemption authorized by T.C.A. § 68-120-101(b)(2) must notify the Division of a re-located modular unit and an inspection shall be performed by the Division.
- (12) Any single-story, open-air pavilion or shed shall not require plans to be submitted and approved by the Division. Open-air shall mean that eighty (80) percent of the building's perimeter and interior are open to the outside from the floor to the roof or ceiling. This shall not apply to structures utilized as an educational occupancy.
- (13) When an assembly occupancy's occupant load exceeds two hundred fifty (250), the Division may require plans to be submitted for a No Review Letter in order to calculate the maximum occupant load if, upon inspection, it appears that the calculation might be incorrect.

Authority: T.C.A. §§ 68-102-113 and 68-120-101.

0780-02-03-.07 ISSUANCE OF PERMITS AND INSPECTION FEES.

- (1) Except as provided in 0780-02-03-.02 and 0780-02-03-.08, no official of state or local government shall issue a permit authorizing any construction for which written approval of plans and specifications is required under this Chapter unless the applicant furnishes sufficient evidence of receipt of such approval. Upon notice from the Division to the issuer of permits issued in violation of this regulation, the issuer shall immediately revoke the permit, and any construction on such project must cease until proper approval is obtained and permit issued pursuant to this Chapter.
- (2) The fee for DHS licensed ~~D~~daycares, DHS licensed adult day service centers, or DOE Educational Occupancies allowed to have compliance determined by inspection in accordance with Tenn. Comp. R. & Regs. 0780-02-03-.02 shall be the following:
 - (a) Initial consultation and four (4) inspections: \$1,000.00.
 - (b) Additional inspections: \$160.00 each.

Such fees shall be paid in full prior to the consultation and shall not be refundable once a consultation or inspection has been performed.
- (3) No fee shall be charged for an inspection requested by the Division to investigate a complaint, or an inspection made pursuant to T.C.A. §§ 68-102-116 and 68-102-117.

Authority: T.C.A. §§ 68-102-113 and 68-120-101.

0780-02-03-.13 FORCED ENTRY RESISTANCE FOR SCHOOLS.

- (1) The following requirements apply to public school buildings, including public charter school buildings.
- (2) Fenestration for entrances of new buildings or where entire fenestration systems are being replaced for remodeled buildings shall comply with the following:
 - (a) Each exterior entry door, and all adjoining fenestration located within 50 feet horizontally of that entry, shall be a rated assembly tested in accordance with ASTM F3561, minimum Level 2 forced entry resistance, or other nationally recognized test standards.
 - (b) All required rated fenestrations shall provide compliant protection up to a minimum height of 8 feet and 8 inches above the adjacent grade or floor level.
- (3) Fenestrations for secure interior vestibules serving as primary entrances of new buildings or where entire fenestration systems are being replaced for remodeled buildings shall be rated assemblies in accordance with ASTM F3561, minimum Level 2 forced entry resistance, or other nationally recognized test standards. Such fenestrations shall be protected within a minimum of 8 feet and 8 inches height above the floor or adjacent grade.
- (4) Where there is a hardship in meeting the requirements of paragraphs 2 or 3, designers or the Local Education Agency or school administration may propose alternatives that meet other national standards, such as UL 752 or ASTM F3038. The alternative may be utilized if approved by the Division in writing.
- (5) Installers of fenestration systems or window film installed in accordance with this section shall meet the qualifications of the manufacturer, including manufacturer certification if required.

Authority: T.C.A. §§ 68-102-113, 68-120-101, and 49-6-818.